

University of California, Hastings College of the Law UC Hastings Scholarship Repository

Initiatives

California Ballot Propositions and Initiatives

12-7-2009

DENIAL OF PUBLIC BENEFITS FOR
PERSONS WHO CANNOT VERIFY LAWFUL
PRESENCE. ELIMINATES BENEFITS FOR
CERTAIN CHILDREN IN CalWORKS
PROGRAM. INITIATIVE STATUTE.

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_inits

Recommended Citation

DENIAL OF PUBLIC BENEFITS FOR PERSONS WHO CANNOT VERIFY LAWFUL PRESENCE. ELIMINATES BENEFITS FOR CERTAIN CHILDREN IN CalWORKS PROGRAM. INITIATIVE STATUTE. California Initiative 1405 (2009).
http://repository.uchastings.edu/ca_ballot_inits/1600

This Initiative is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Initiatives by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

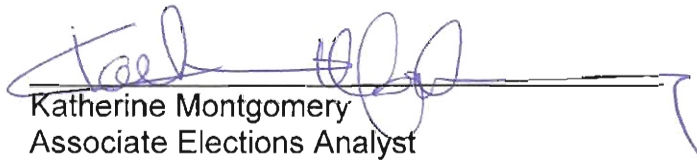
1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

February 12, 2010

County Clerk/Registrar of Voters (CC/ROV) Memorandum #10065

TO: All County Clerks/Registrars of Voters and Proponents

FROM:


Katherine Montgomery
Associate Elections Analyst

RE: Initiative: Withdrawal of 1405, Related to Public Benefits

The proponents of the hereinafter named proposed initiative statute have **withdrawn** the measure from circulation.

TITLE: DENIAL OF PUBLIC BENEFITS FOR PERSONS WHO
CANNOT VERIFY LAWFUL PRESENCE. ELIMINATES
BENEFITS FOR CERTAIN CHILDREN IN CalWORKS
PROGRAM. INITIATIVE STATUTE.

SUMMARY DATE: December 7, 2009

PROPONENTS: Ted Hilton, Bill Morrow, Bill Siler, and Tony Dolz



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

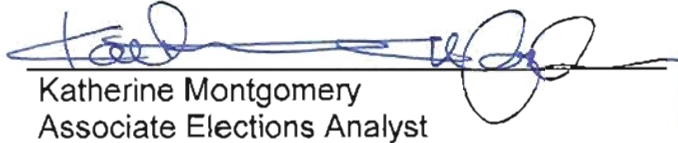
1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

December 7, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09205

TO: All County Clerks/Registrars of Voters and Proponents

FROM:


Katherine Montgomery
Associate Elections Analyst

RE: Initiative: 1405, Related to Public Benefits

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**DENIAL OF PUBLIC BENEFITS FOR PERSONS
WHO CANNOT VERIFY LAWFUL PRESENCE. ELIMINATES BENEFITS
FOR CERTAIN CHILDREN IN CalWORKS PROGRAM. INITIATIVE STATUTE.**

The proponents of the above-named measure are:

Ted Hilton
Bill Morrow
Bill Siler
Tony Dolz
P.O. Box 9985
San Diego, CA 92169

voter@taxpayerrevolution.org

**DENIAL OF PUBLIC BENEFITS FOR PERSONS
WHO CANNOT VERIFY LAWFUL PRESENCE. ELIMINATES BENEFITS
FOR CERTAIN CHILDREN IN CalWORKS PROGRAM. INITIATIVE STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required:433,971
California Constitution, Article II, Section 8(b)
2. Official Summary Date:Friday, 12/04/09
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Friday, 12/04/09
 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elec. Codes §§ 336, 9030(a)) Monday, 05/03/10
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elec. Code § 9030(b)) Thursday, 05/13/10

(If the Proponent files the petition with the county on a date prior to
05/03/10, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the counties Saturday, 05/22/10*
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elec. Code § 9030(d)(e)) Monday, 07/05/10

* Date varies based on the date of county receipt.

INITIATIVE #1405

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 05/22/10, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 477,369 or less than 412,273 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 412,273 and 477,369 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (EC §9030(f)(g); 9031(a)).....Thursday, 07/15/10*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c)). Thursday, 08/26/10

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 07/15/10, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033).....Monday, 08/30/10*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550


Public: (916) 445-9555
Telephone: (916) 445-4752
Facsimile: (916) 324-8835
E-Mail: Krystal.Paris@doj.ca.gov

December 4, 2009

FILED
In the office of the Secretary of State
of the State of California

DEC 07 2009

Honorable Debra Bowen
Secretary of State of the State of California
State of California Elections
1500 11th Street, 5th Floor
Sacramento, CA 95814

Debra Bowen, Secretary of State
By: 
Deputy Secretary of State

Attention: Ms. Katherine Montgomery
Associate Elections Analyst

Re: Initiative 09-0056, "California Taxpayer Protection Act of 2010." [V-4.]

Dear Secretary Bowen:

Pursuant to Elections Code sections 9004 and 336, you are hereby notified that on this day we sent our title and summary for the above-referenced proposed initiative to the proponents. A copy of that title and summary and text of the proposed measure is enclosed.

Please contact me if you have any questions. Thank you.

Sincerely,



KRYSTAL M. PARIS
Initiative Coordinator

For EDMUND G. BROWN JR.
Attorney General

Proponents:
Ted Hilton
Bill Siler
Tony Dolz
Bill Morrow
Taxpayer Revolution
P.O. Box 9985
San Diego, CA 92169

Date: December 4, 2009
Initiative 09-0056

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

DENIAL OF PUBLIC BENEFITS FOR PERSONS WHO CANNOT VERIFY LAWFUL PRESENCE. ELIMINATES BENEFITS FOR CERTAIN CHILDREN IN CalWORKS PROGRAM. INITIATIVE STATUTE. Requires applicants for state, local, and state-administered federal aid to verify lawful presence in United States. Requires applications for public benefits submitted by undocumented parents on behalf of their lawful-resident children to be given to federal authorities. Eliminates benefits for children in CalWORKS cases where neither parent is eligible for benefits. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: If upheld in the courts, unknown significant one-time and ongoing costs to state and local governments due to changes in the application process for public benefits, as well as unknown but likely significant savings from decreased use of public benefits. Unknown, but probably minor, state and local law enforcement costs due to provisions in the measure creating new crimes, such as for the filing of false affidavits to obtain public benefits. If upheld in the courts, state savings of over \$1 billion annually from prohibiting child-only CalWORKS cases, partially offset by state and county costs for children who shifted to Foster Care or county general assistance programs. Further unknown, but likely significant, savings from the provisions changing the application processes for public benefits. (09-0056.)

October 10, 2009

California Attorney General Edmund G. Brown Jr.
Attn: Krystal Paris, Initiative Coordinator
1300 I Street, 17th Floor, Post Office Box 944255
Sacramento, California 94244-2550

09 - 0056

RECEIVED

OCT 14 2009

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

This is the written request for preparation of title and summary of the chief purposes and points of the proposed initiative measure, known as the California Taxpayer Protection Act of 2010. This text of the initiative is attached.

PROPOSERS:

TED HILTON

BILL MORROW

BILL SILER

TONY DOLZ

TAXPAYER REVOLUTION

P.O. BOX 9985

SAN DIEGO, CA 92169

voter@taxpayerrevolution.org

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This measure shall be known and may be cited as the California Taxpayer Protection Act of 2010.

SECTION 2. Section 27 is added to the Government Code, to read:

27. (a) (1) Except as provided in paragraph (2) or where exempted by federal law, every agency or a political subdivision of this state shall verify the lawful presence in the United States of any natural person fourteen (14) years of age or older who has applied for state or local benefits, as defined in 8 U.S.C., Section 1621 on June 1, 2010, or for federal public benefits as defined in 8 U.S.C., Section 1611 on June 1, 2010, that are administered by an agency or political subdivision of this state.

(2) Verification of lawful presence under the provisions of this section shall not be required:

(A) For any purpose for which lawful presence in the United States is not restricted by law, ordinance or regulation.

(B) For emergency medical care and other assistance exempt from verification as described in Section 1611 (b) of, and Section 1621 (b) of, Title 8 of the United States Code, on June 1, 2010.

(b) (1) Verification of lawful presence in the United States by the agency or political subdivision required to make such verification shall require that the applicant execute an affidavit under penalty of perjury that:

(A) He or she is a United States citizen; or

(B) He or she is a qualified alien under the federal Immigration and Nationality Act and is lawfully present in the United States.

(2) For an applicant who has executed the affidavit described in subparagraph (B), eligibility for benefits shall be verified through the Systematic Alien Verification for Entitlements (SAVE) Program operated by the United States Department of Homeland Security, or an equivalent program designated by the United States Department of Homeland Security. Until this eligibility verification is made, the affidavit may be presumed to be proof of lawful presence for the purposes of this section.

(3) The California Health and Human Services Agency shall adopt regulations to provide for the adjudication of extraordinary individual circumstances under which the verification procedures imposed by this section would impose undue hardship on a legal resident of California.

(c) (1) If an ineligible applicant, as defined in paragraph (2), is unable to satisfy the verification requirements of subdivision (b) when applying for a public benefit on behalf of a person who is determined to be eligible, a copy of the application shall be provided to the United States Department of Homeland Security, or its successor.

(2) For purposes of this subdivision, "ineligible applicant" means a parent, relative, or guardian, applying on behalf of an eligible person for a state or local public benefit or federal public benefit, as defined in paragraph (1) of subdivision (a), who is a member of the same household as the eligible person.

(d) (1) A person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit executed pursuant to subdivision (b) shall be subject to the penalties specified in Section 114 of the Penal Code.

(2) An officer or employee of an agency or political subdivision of the state who provides any state, local, or federal public benefits in violation of the requirements of this section is guilty of a misdemeanor.

SECTION 3. Section 10003 is added to the Welfare and Institutions Code, to read:

10003. To the extent permitted under federal law, an ineligible applicant, as defined in paragraph (2) of subdivision (c) of Section 27 of the Government Code, who files an application on behalf of an eligible recipient for publicly funded social services that constitute a state or local benefit as defined in subsection (c) of Section 1621 of Title 8 of the United States Code on June 1, 2010, that are funded by state block grants, or other state or local funds, shall be subject to the verification requirements under subdivision (b) of Section 27 of the Government Code as a

condition of establishing the recipient's initial eligibility, or upon re-determination of eligibility, as a condition of the eligible recipient receiving the state or local benefit.

SECTION 4. Section 11200.1 is added to the Welfare and Institutions Code, to read:

11200.1. (a) Notwithstanding any other provision of law, commencing on the first day of the first calendar quarter after the effective date of this section, aid under this chapter shall be provided only to an assistance unit that includes one or more aided adults.

(b) If subdivision (a) is not upheld in a court of law, a child in a child-only CalWORKS case shall be prohibited from receiving benefits for more than five years.

SECTION 5. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.